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SUBJECT: GEORGIA PARLIAMENTARY ELECTION UPDATE APRIL 24

REF: TBILISI 676

Classified By: Ambassador John F. Tefft for reasons 1.4 (b) and (d).

¶1. (U) Summary: On the evening of April 21, Speaker of Parliament Nino Burjanadze surprised most of Georgia and announced that she would not seek re-election May 21. Foreign Minister Davit Bakradze took her place atop the ruling United National Movement's (UNM) party list. Her announcement was followed by an all-night disagreement at the Central Election Commission (CEC), where opposition CEC members argued that the UNM had not submitted their party list on time. Observers could not clearly ascertain what happened, and the CEC took a black eye as a result. On April 22, Minister of Justice Nika Gvaramia and State Minister on Regional Coordination Issues Davit Tkeshelashvili resigned from the government's Inter-Agency Task Force (IATF) on elections to campaign for the UNM. Other ministers nominated as UNM parliamentary candidates must also resign to campaign. At an OSCE Technical Working Group meeting on April 23, Transparency International of Georgia reported that intimidation has been reported in the regions, but these reports are noticeably less than prior to the January 5 election. On April 22, the CEC announced a three-year agreement with the Latvian Election Commission. The agreement foresees cooperation, exchanges, and technical assistance between the two CECs. The Parliamentary Assembly of the Council of Europe (PACE) announced that it will pay a pre-election fact-finding mission, again led by Matyas Eorsi, to Georgia from April 23 to 25. On April 23, President Saakashvili offered to regularly meet with the opposition "to keep them apprised of the national security situation" in light of recent tension with Russia. End Summary.

Burjanadze Bows Out

¶2. (C) Just after 1800 hours on April 21, Speaker of Parliament Nino Burjanadze announced that she would not seek re-election with the ruling UNM, and would not top the UNM's party list of candidates for the May 21 Parliamentary elections. Her withdrawal was prompted by an internal UNM disagreement over the number of Burjanadze's supporters to be placed on the party list (septel). In her announcement, Burjanadze confirmed that she still supports the UNM and is not going into the opposition.

Confusion at the CEC

¶3. (U) Party lists were due at the CEC at the same time Burjanadze made her announcement. Shortly afterward, opposition CEC members demanded to see the list that the UNM submitted just a few minutes prior to the deadline (reftel). The opposition suspected that the UNM had not had time to

prepare and properly submit their list after Burjanadze's announcement, although some observers claim the UNM had more than one list ready depending on the outcome of the negotiations on seats. CEC Chairman Levan Tarkhnishvili (in what the opposition CEC members called "a breach of internal CEC rules") reportedly refused to allow the opposition's CEC members to see the list itself or even the sealed files holding the UNM list. Reportedly, the situation turned to near fistcuffs as hundreds of opposition representatives surrounded and tried to enter the CEC.

¶4. (U) The opposition then called on international and local observers, including ODIHR, NDI and ISFED, to come to the CEC. After several observer groups arrived at around 21:00, Tarkhnishvili apparently agreed to allow the opposition CEC members and observers -- together with a UNM representative -- to see the sealed documents. After waiting for a key for the locked room for nearly five hours, the room that was opened did not contain the party lists. Tarkhnishvili then said the party lists were in a separate locked room and opened it. All of the party lists were inside. Allegedly, the UNM packet containing the list had a broken seal. (A CEC statement released on April 22 states the "all the sealed packages of submitted lists ... were found in the state of good condition.") ODIHR and ISFED photographed the documents in the UNM packets, and all party lists were returned to the locked room. The mob then finally disbanded.

¶5. (SBU) The opposition now claims that during the waiting period, the UNM faxed in a list, which was then added to the others by the CEC. An opposition CEC member said he saw a folder submitted by the UNM, but he was not allowed to verify if a list was inside it. Tarkhnishvili claims that the list was accepted normally and stamped "received." He also

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pointed out that if any party wanted to remove someone from their party list after filing it, they can do so up to two days before the election. Tarkhnishvili accused the opposition of causing chaos in the CEC offices. Multiple eyewitnesses agree, however, that it is impossible to determine if the UNM party list was submitted after the deadline or whether the CEC committed errors. Not surprisingly, the Joint Opposition (United National Council of Opposition and New Rightists) issued a statement on April 23 claiming that the UNM election lists were submitted to the CEC in "flagrant violation of the law, and the election process is already an unlawful and unequal environment." The Labor Party has reportedly sued the CEC over the situation.

¶6. (C) The Georgian Young Lawyers Association summarized the situation, saying the "circumstances create an atmosphere of distrust towards the CEC leadership." This appears to be the case. Deputy ODIHR EOM leader Stefan Krause pointed out his disappointment and dissatisfaction to Tarkhnishvili in an OSCE Technical Working Group meeting on April 23. Tarkhnishvili did not respond to Krause's request for an explanation but only restated that all party lists were found together in the second locked room.

IATF Reshuffles, Minister-Candidates to Resign

¶7. (U) On April 23, Minister of Justice Nika Gvaramia and State Minister for Regional Coordination Issues Davit Tkeshelashvili announced their resignations from the government IATF in order to campaign on behalf of the UNM. Reportedly, Deputy Minister of Internal Affairs Eka Zguladze will now chair the IATF. Other ministers nominated as UNM parliamentary candidates must also resign. Ministers announced as candidates by the UNM include Davit Bakradze, Foreign Minister; Koba Subeliani, State Minister for Refugees and Accommodation; Zaza Gamtsemlidze, Minister of Environment; Petre Tsiskarishvili, Minister of Agriculture. As of April 23, only Gamtsemlidze and Bakradze had announced

their resignations.

Less Intimidation, Appeal Process in Motion

¶8. (SBU) At an OSCE Technical Working Group meeting on April 23, Transparency International of Georgia reported that some cases of intimidation have been reported in the regions in the pre-election campaign. However, they noted that such reports are noticeably fewer than prior to the January 5 presidential election. Other NGOs, including GYLA and ISFED, have also noted some cases of election law violations, and GYLA appealed two such violations to court. Their appeals were denied, and the reasons for the decision have yet to be released. ISFED has recorded some instances of local officials approaching teachers and identifying those who may support the opposition. USAID-funded IFES pointed out the necessity for NGOs to carefully distinguish between cases of election promises and bribery during their reporting. Meanwhile, the CEC reported that eight complaints were filed at the precinct commissions and eight CEC decisions were appealed in court. Of the court cases, two were decided in favor of the plaintiffs, one was withdrawn by a plaintiff, and three were dismissed on the lack of grounds.

¶9. Deputy Minister of the Interior Eka Zguladze told visiting EUR/CARC director Paul Wohlers on August 21 that she is aware of a few complaints of intimidation or interference with campaigning. She said that in the prior election, the government had recognized that such complaints had been hard to investigate, especially in villages. She said that where police chiefs are part of families and communities it was hard to get the cooperation of witnesses. Therefore, the government has reassigned all chiefs of police to new regions and has also rotated some deputy chiefs out of their home districts, in order to encourage better reporting and investigation of complaints. Zguladze added that a number of ordinary criminal cases have been pulled into a political context when the defendants claim they are being targeted for their political activities. (Comment: The news about intimidation on balance is positive. The NGOs are watching the election closely, and so far, problems seem to be fewer than in December. Furthermore, this indicates that participants are working within the revamped system to address problems. End comment.)

Latvian, Georgian CECs to Cooperate

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¶9. (U) The CEC announced that they signed a three-year agreement with the Latvian Election Commission on April 22. The agreement foresees cooperation, exchanges, and technical assistance between the two CECs to strengthen Georgia's election code and administrative capacity. The agreement recognizes the ultimate importance of protecting citizens' right to participate in democracy, and envisages cooperation on election legislation, regulation, organization of parties, technical expert cooperation, and material assistance.

PACE Team to Return

¶10. (U) The Parliamentary Assembly of the Council of Europe (PACE) announced that it will send a pre-election fact-finding mission, again led by Matyas Eorsi, to Georgia from April 23 to 25. The election observation mission (EOM) will be led by Eorsi and Kastriot Islami. The two also led PACE's EOM for the January election.

Saakashvili's Offers Opposition Meetings

¶11. (SBU) On the evening of April 23, President Saakashvili addressed the opposition in light of recent tension with Russia. In the live television address, he called upon the opposition leaders to "have a joint position on fundamental issues of national security. I offer them systematic meetings to provide them with updated information and to secure their maximum inclusion during this very important time." (Comment: It remains to be seen how many, if any, opposition parties will agree to the President's offer. Trust between the opposing sides remains low. End comment.)
TEFFT